

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

M.H., a minor; C.H., a minor; SOPHIE  
HARTMAN, individually and as a parent of  
C.H. and M.H.,

Plaintiffs,

v.

STATE OF WASHINGTON  
DEPARTMENT OF CHILDREN, YOUTH  
AND FAMILIES ("DCYF"); KELSEY  
OWENS, DCYF Investigator; LAUREN  
MAULDEN, DCYF Case Worker; CITY OF  
RENTON POLICE DEPARTMENT  
("CRPD"); ADELE O'ROURKE, CRPD  
Detective; WASHINGTON COURT  
APPOINTED SPECIAL ADVOCATE  
ASSOCIATION ("CASA"); VIRGINIA  
WHALEN; SEATTLE CHILDREN'S  
HOSPITAL; REBECCA T. WIESTER,  
M.D.; MARK S. WAINWRIGHT, M.D.,  
Ph.D.; TIMOTHY J. BREI, M.D.; LUSINE  
AMBARTSUMYAN, M.D.; HELEN L.  
DICHEK, M.D.; NANCY CHASE, B.S.N.,  
R.N.; BETH WEBB NAUERT, M.D.; and  
JOHN and JANE DOES 1-10,

Defendants.

No. \_\_\_\_\_

King County Superior Court Cause  
Number: 24-2-05829-0

**NOTICE OF REMOVAL**

PLEASE TAKE NOTICE that Defendants City of Renton Police Department and  
Detective Adele O'Rourke, by and through their undersigned counsel, hereby remove the

NOTICE OF REMOVAL - 1  
23-2-00868-05  
1018539

PATTERSON BUCHANAN  
FOBES & LEITCH, INC., P.S.

1000 Second Ave., 30<sup>th</sup> Floor, Seattle, WA 98104  
Tel. 206.462.6700 Fax 206.462.6701

1 above-captioned case from the Superior Court of King County to the United States District  
 2 Court for the Western District of Washington pursuant to 28 U.S.C. § 1446, and respectfully  
 3 states:

4 1. A Complaint in the above-captioned matter was filed in the Superior Court for  
 5 King County on or about March 15, 2024. Plaintiff served the City of Renton Police  
 6 Department<sup>1</sup> and Detective Adele O'Rourke on March 22, 2024.

7 3. Pursuant to LCR 101(b)(1), true and correct copies of Plaintiffs' Complaint is  
 8 attached hereto as **Exhibit A** and will be filed as a separate attachment in the filing system.  
 9 This case is pending in the Superior Court of the State of Washington for King County under  
 10 Cause No. 24-2-05829-0 SEA. Attached as **Exhibit B** is a true and correct copy of the Civil  
 11 Cover Sheet in accordance with Local Rule W.D. Wash. LCR 3(a).

12 4. This law firm represents Defendants City of Renton (Renton Police Department)  
 13 and Detective Adele O'Rourke in this action. As required by 28 U.S.C. § 1446(a), copies of all  
 14 process, pleadings, and orders are included in the Verification of State Records, which is being  
 15 filed contemporaneously with this Notice of Removal.

16 5. Pursuant to 28 U.S.C. § 1446(d), a copy of this Notice of Removal is being  
 17 served upon Plaintiffs, and a copy is being filed with the clerk of the King County Superior  
 18 Court.

19 6. The basis for removal is pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1443, as  
 20 Plaintiff brings this civil action based on (1) claims arising under the laws of the United States,  
 21 and (2) an alleged violation of civil rights. Plaintiff claims violations of 42 U.S.C. § 1983  
 22 (Deprivation of Federal Rights).

23 <sup>1</sup> The Summons and Complaint was served upon the front desk at the police department. Under RCW 4.28.080,  
 24 this would not constitute proper service.

1           7.       This Court has jurisdiction over the subject matter of this action pursuant to  
 2 28 U.S.C. § 1331, as district courts have original jurisdiction over all civil actions arising under  
 3 the laws of the United States, and under 28 U.S.C. § 1367(a), as district courts have  
 4 supplemental jurisdiction over all other claims that are so related to claims in the action within  
 5 such original jurisdiction that they form part of the same case or controversy under Article III  
 6 of the United States Constitution.

7           8.       The above-captioned matter may be removed to this Court pursuant to  
 8 28 U.S.C. § 1441(a). This Court is a District Court of the United States for the district and  
 9 division embracing the place where the state court action is pending and is, therefore, the  
 10 appropriate court for removal pursuant to 28 U.S.C. § 1441.

11           9.       In accordance with 28 U.S. Code § 1446(b)(2), all Defendants who have notice  
 12 of this action have consented to the action being removed to federal court. *See* Declaration of  
 13 Sarah A. Tatistcheff in Support of Removal ¶¶3-6, Exs. C-F.

14           10.       Pursuant to LCR 3(e)(1), removal from King County Superior Court to the  
 15 United District Court for the Western District of Washington at Seattle is proper.  
 16

17           DATED this 22nd day of April, 2024.

18  
 19 PATTERSON BUCHANAN  
 20 FOBES & LEITCH, INC., P.S.

21 By: *s/Duncan K. Fobes*

22 Duncan K. Fobes, WSBA 14964  
 23 Sarah A. Tatistcheff, WSBA 51098  
 24 Kerri A. Jorgensen, WSBA 28310  
 25 Attorneys for Defendants  
 1000 Second Ave., 30<sup>th</sup> Floor  
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 dkf@pattersonbuchanan.com  
[sat@pattersonbuchanan.com](mailto:sat@pattersonbuchanan.com)  
[kaj@pattersonbuchanan.com](mailto:kaj@pattersonbuchanan.com)

**CERTIFICATE OF SERVICE**

I, Francis Lumauig , hereby declare that on this 22<sup>nd</sup> day of April 2024, I caused to be delivered via email and PACER Efiling, the document to which this Certificate of Service is attached (plus any exhibits and/or attachments) to the following:

| ATTORNEY NAME & ADDRESS   | ATTORNEY NAME & ADDRESS   |
|---|---|
| <u>Attorney for Plaintiffs</u><br>Eliot Harris<br>Williams Kastner & Gibbs, PLLC<br>601 Union St. Ste 4100<br>Seattle, WA 98101<br>(206) 628-6600<br><a href="mailto:eharris@williams-kastner.com">eharris@williams-kastner.com</a>   | <u>Attorneys for Plaintiffs</u><br>David J. Shlansky<br>Frances Workman<br>Shlansky Law Group, LLP<br>1 Winnisimmet Street<br>Chelsea, MA 02150<br>(617) 492-7200<br><a href="mailto:david.shlansky@slglawfirm.com">david.shlansky@slglawfirm.com</a><br><a href="mailto:frances.workman@slglawfirm.com">frances.workman@slglawfirm.com</a>               |
| <u>Attorney for Defendants Department of Children, Youth, and Families, Kelsey Owens, and Lauren Maulden</u><br>Peter Kay<br>Office of the Attorney General<br>7141 Cleanwater Drive SW<br>Olympia, 98504<br>(360) 586-7777<br><a href="mailto:peter.kay@atg.wa.gov">peter.kay@atg.wa.gov</a>   | <u>Attorney for Defendants Seattle Childrens Hospital, Nancy Chase, and Dr. Nauert</u><br>Rando Wick<br>Ethan Silver<br>Johnson Graffe Keay Moniz & Wick, LLP<br>925 Fourth Avenue, Suite 3550<br>Seattle, WA 98104<br>(206) 223-4770<br><a href="mailto:rando@jgkmw.com">rando@jgkmw.com</a><br><a href="mailto:silvere@jgkmw.com">silvere@jgkmw.com</a> |
| <u>Attorney for Defendants Dr. Wiester, Dr. Wainwright, Dr. Brei, Dr. Ambartsumyan, and Dr. Dichek</u><br>Michelle Taft<br>Evangeline Zhou<br>Johnson Graffe Keay Moniz & Wick, LLP<br>925 Fourth Avenue, Suite 3550<br>Seattle, WA 98104<br>(206) 223-4770<br><a href="mailto:michelle@jgkmw.com">michelle@jgkmw.com</a><br><a href="mailto:zhou@jgkmw.com">zhou@jgkmw.com</a> | <u>Attorney for Defendants Virginia Whalen and King County CASA</u><br>Carla Carlstrom<br>King County Prosecuting Attorney's Office<br>516 Third Avenue, Ste W554<br>Seattle, WA 98104<br>(206) 296-9000<br><a href="mailto:carla.carlstrom@kingcounty.gov">carla.carlstrom@kingcounty.gov</a>  |

1 I certify under penalty of perjury, under the laws of the State of Washington, that the  
2 foregoing is true and correct.

3 DATED this 22nd day of April, 2024 at Seattle, Washington.

4  
5 s/ Francis Lumaig

6 Francis Lumaig

7 Legal Assistant  
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